

Message Text

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PAGE 01 NEW DE 07191 031225Z

50/43

ACTION NEA-16

INFO OCT-01 ISO-00 NEAE-00 SCS-03 SCA-01 SY-04 L-03 H-03

CIAE-00 INR-10 NSAE-00 RSC-01 INRE-00 PA-04 PRS-01

USIE-00 DRC-01 SS-20 NSC-07 SSO-00 NSCE-00 /075 W

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O P 301445Z MAY 74

FM AMEMBASSY NEW DELHI

TO AMCONSUL CALCUTTA NIACT IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 1772

AMCONSUL BOMBAY PRIORITY

AMCONSUL MADRAS PRIORITY

C O N F I D E N T I A L NEW DELHI 7191

C O R R E C T E D C O P Y (TEXT PARA 2.)

E.O. 11652: GDS

TAGS: PFOR, CASC, IN

SUBJECT: HAORCO/FLETCHER

SUMMARY: SCHNEIDER CALLED ON TEJA MAY 30 TO INFORM HIM OF THE WASHINGTON POST ARTICLE ON HARCOS/FLETCHER AND THE DEPARTMENT SPOKESMAN'S RESPONSES TO QUESTIONS. SCHNEIDER AGAIN COMPLAINED OF THE LONG DELAY IN CHARGES BEING BROUGHT AND OF DENIAL OF US ACCESS TO THE PRISONERS. HE ALERTED TEJA TO OUR INTENTION TO ASK THAT A US OBSERVER BE PRESENT AT THE TRIAL. TEJA REPLIED THAT INSTRUCTIONS HAD BEEN ISSUED TO EXPEDITE CONSIDERATION OF THIS CASE, THAT THE CALCUTTA CONSULATE GENERAL SHOULD HAVE ACCESS TO THE PRISONERS AND THAT THE GOI WOULD HAVE NO PROBLEM IN ACCEPTING A US OBSERVER AT THE TRIAL. EMD SUMMARY.

1. SCHNEIDER EXPLAINED THAT THE POST ARTICLE WAS GROSSLY INACCURATE. THE CONSULATE GENERAL IN CALCUTTA AND THE EMBASSY IN NEW DELHI HAD REPEATEDLY INTERVENED TO PROTECT THE INTERESTS OF HARCOS AND FLETCHER. BECAUSE OF THIS UNFORTUNATE PUBLICITY, THE EMBASSY NOW WILL HAVE TO
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PAGE 02 NEW DE 07191 031225Z

BRIEF AMERICAN CORRESPONDENTS QUITE FULLY REGARDING WHAT

THE US HAD DONE TO PROTECT THE PRISONERS. SAYING THAT THERE WAS NOT MUCH WHICH COULD BE DONE TO PREVENT PUBLICITY, TEJA INDICATED HE HAD NO OBJECTION TO OUR BRIEFING THE PRESS PROVIDING WE DID NOT CONVEY CONFIDENTIAL INFORMATION OBTAINED FROM THE GOVERNMENT OF INDIA. WHEN SCHNEIDER ONCE AGAIN REMINDED TEJA THAT THIS WAS A MATTER OF CONSIDERABLE CONSEQUENCE TO THE EMBASSY AND ONE WHICH COULD AFFECT THE CLIMATE OF OUR RELATIONS, TEJA REPLIED THAT MEA WILL DO WHAT IT CAN TO SEE THAT THIS CASE DOES NOT IMPINGE ON US-INDIA BILATERAL RELATIONS.

2. TEJA EXPLAINED SOME LENGTH THE CIRCUMSTANCES UNDER WHICH CHARGES COULD BE BROUGHT UNDER THE INDIAN OFFICIAL SECRETS ACT. HE SAID THAT IT WAS NOT NECESSARY FOR ONE TO BE CHARGED WITH ESPIONAGE -- I.E. STEALING OFFICIAL SECRETS -- TO BE TRIED UNDER THE ACT. CHARGES COULD BE BROUGHT AGAINST PEOPLE WHO WERE SIMPLY FOUND IN A RESTRICTED AREA AND WHO WERE UNABLE TO PROVIDE ANY REASONABLE EXPLANATION OF WHY THEY WERE THERE. SCHNEIDER ASKED IF IN FACT THE LATTER WAS THE CASE REGARDING HARCOS AND FLETCHER. TEJA SAID THAT HE DID NOT KNOW, HE WAS SIMPLY EXPLAINING THE LAW. SCHNEIDER COMPLAINED THAT THE USG HAD BEEN UNABLE TO FIND OUT JUST WHAT CHARGES WERE BEING CONSIDERED AGAINST HARCOS AND FLETCHER. COULD TEJA INFORM US? TEJA SAID THAT HE THOUGHT THE CASE WAS ALREADY SUBJUDICE, THAT IS THAT CHARGES HAD BEEN BROUGHT. HE AGREED TO TRY TO FIND OUT WHAT THOSE CHARGES WERE AND CONVEY THEM TO THE EMBASSY.

3. TEJA FURTHER SAID THAT HIS MINISTRY WOULD SEE WHAT COULD BE DONE IN REGARD TO THE HARCOS/FLETCHER CASE SUBJECT TO THE REQUIREMENTS OF INDIAN LAW. HE EXPLAINED THAT THE GOI HAD ALREADY ASKED THAT THE CASE BE EXPEDITED. HE SAID THAT HE DID NOT UNDERSTAND WHY THE CONSULATE GENERAL IN CALCUTTA WAS HAVING DIFFICULTY OBTAINING ACCESS TO THE PRISONERS. IN RESPONSE TO SCHNEIDER'S REQUEST, HE SAID THAT HE WOULD SEND INSTRUCTIONS THAT ACCESS SHOULD BE GRANTED. HE SAID THE US COULD GET PERMISSION TO HAVE AN OBSERVER AT THE TRIAL.

4. COMMENT: THIS TIME AND FOR THE FIRST TIME, TEJA SEEMED CONFIDENTIAL

CONFIDENTIAL

PAGE 03 NEW DE 07191 031225Z

TO BE INFORMED ABOUT THE HARCOS/FLETCHER CASE AND SEEMED TO UNDERSTAND ITS IMPORTANCE TO BOTH THE GOI AND THE US. HE EXPLAINED THAT MRS. FLETCHER HAD BEEN IN TOUCH WITH AMBASSADOR KAUL; FROM THIS WE INFER THAT KAUL HAS ALSO BEEN IN TOUCH WITH THE MINISTRY. WE ARE ENCOURAGED BY TEJA'S STATEMENTS ABOUT EXPEDITING THE TRIAL AND CONSULAR ACCESS, BUT WE QUESTION THE EXTENT TO WHICH HIS MINISTRY CAN IN FACT INTERVENE EFFECTIVELY ON THESE ISSUES.

5. ACTION REQUESTED: CONGEN CALCUTTA SHOULD CONTINUE ACTIVELY PURSUING THE QUESTION OF ACCESS TO THE PRISONERS, USING TEJA'S ASSURANCE AS IT BELIEVES MAY BE HELPFUL. PLEASE INFORM THE EMBASSY WHEN YOU HIT A ROADBLOCK; AFTER WE HAVE GIVEN TEJA TIME TO ACT, WE WILL AGAIN TAKE THE QUESTION UP WITH HIM, IF NECESSARY. DOES CONGEN CALCUTTA KNOW WHETHER CHARGES HAVE BEEN BROUGHT? COULD THIS HAPPEN WITHOUT OUR KNOWING IT?
MOYNIHAN

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